

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

COLORADO SYMPHONY
ASSOCIATION.

Petitioner,

v.

NATIONAL LABOR RELATIONS
BOARD,

Respondent.

Case No. 18-1189
18-1194

**CERTIFICATE AS TO PARTIES,
RULINGS, AND RELATED CASES**

Petitioner Colorado Symphony Association (“Petitioner” or “CSA”) hereby presents the following certificate as to parties, rulings, and related cases in connection with the Court’s review of the instant matter:

I. Parties.

A. The parties to the administrative proceedings before the National Labor Relations Board (“NLRB”), Case Nos. 27-CA-140724, 27-CA-155238, 27-CA-161339, 27-CA 168029 and 27-CA-179032, were:

1. Colorado Symphony Association (“CSA”), Respondent.
2. American Federation of Musicians of the United States and Canada, AFL-CIO/CLC, Charging Party.
3. Counsel for the General Counsel, NLRB, Region 27.

B. The parties in this case now before the Court are:

1. Petitioner Colorado Symphony Association;
2. Respondent National Labor Relations Board (“NLRB”); and
3. Intervenor American Federation of Musicians of the United States and Canada, AFL-CIO/CLC (“AFM”).

II. Rulings Under Review.

The ruling under review is the Decision and Order of the NLRB entered on July 3, 2018 adopting the Administrative Law Judge’s February 14, 2017 decision and which:

1. Held AFM was the lawful 9(a) representative of musicians.
2. Held CSA refused to bargain collectively with AFM by failing and refusing to furnish it with requested information that is relevant and necessary to the AFM’s performance of its functions as the collective-bargaining representative of the Respondent’s unit employees regarding wages, hours, and other terms and conditions of employment for the production of national electronic and recorded media.
2. Held CSA unilaterally changed the terms and conditions of employment of its unit employees.

3. Held CSA unilaterally changed the terms and conditions of employment of its unit employees for work on national media projects without first notifying the AFM and giving it an opportunity to bargain.

4. Held CSA bypassed the AFM and dealt directly with the Respondent's musicians with regard to wages, hours, and other terms and conditions of employment for the production of national electronic and recorded media.

5. Held CSA unilaterally changed national media terms and conditions of employment of its unit employees in the Respondent's collective-bargaining agreement with the Denver Musicians Association, Local 20-623, without first notifying the AFM and giving it an opportunity to bargain.

6. Held CSA withdrew recognition from the AFM and failed and refused to bargain with the AFM as the exclusive collective-bargaining representative of unit employees regarding wages, hours, and other terms and conditions of employment for the production of national electronic and recorded media.

7. Held CSA in a like or related manner interfered with, restrained, or coerced employees in the exercise of the rights guaranteed them by Section 7 of the Act.

III. Related Cases.

CSA is unaware of any related cases currently pending between the parties involving the same or similar issues.

Respectfully submitted this 17th day of August, 2018.

SHERMAN & HOWARD L.L.C.

s/ Patrick R. Scully

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CERTIFICATE OF SERVICE (CM/ECF)

I hereby certify that on this 17th day of August, 2018, I electronically filed the foregoing **CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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I further certify that on this 17th day of August, 2018, I electronically served a copy of the above **CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES** upon the following:

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s/ Lynn Zola Howell